

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SUNDOWN GAY HATFIELD, §
§
vs. §
§ UNION PACIFIC RAILROAD CO. §

CASE NO. 2:07-CV-214

ORDER

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. The undersigned vacates the Magistrate's Report and Recommendation in light of the new evidence submitted in the defendant's objections. The undersigned directs the Magistrate Judge to reconsider the defendant's motion to transfer venue in light of the new evidence submitted by Union Pacific.

SIGNED this 1st day of April, 2008.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE